

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the matter of the ESTATE OF JULIUS
H. GATER, a protected individual, BY HIS
GUARDIAN JEANNE STARR GATER,

No. 09-14186

Plaintiff,

District Judge Gerald E. Rosen

v.

Magistrate Judge R. Steven Whalen

ALLSTATE INSURANCE COMPANY,

Defendant.

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ORDER

For the reasons and under the terms stated on the record on September 28, 2010, Defendant's Motion to Strike Affidavit of Orian Motley, R.N., is GRANTED IN PART AND DENIED IN PART.

The request to strike ¶ 11 of Ms. Motley's affidavit is DENIED.

The request to strike ¶¶ 10 and 12 of Ms. Motley's affidavit is GRANTED.

Within seven days of the date of this Order, Plaintiff may submit a supplemental affidavit from Ms. Motley, setting forth a foundation for her lay opinion on the standard, customary and reasonable charges for attendant health care services in the geographical area of Eatonton, Georgia.

Within 21 days of the date of this Order, Defendant shall take the deposition of Ms. Motley.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: September 29, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on September 29, 2010.

S/Gina Wilson
Judicial Assistant